

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR 10-2310 JB

GLORIA VIGIL, et al.,

Defendants.

**ORDER GRANTING DEFENDANT GLORIA VIGIL'S AMENDED
THIRD UNOPPOSED MOTION FOR CONTINUANCE OF TRIAL
IN ORDER TO SCHEDULE A CHANGE OF PLEA HEARING**

THIS MATTER comes before the Court on the Defendant's *Amended Unopposed Motion for Continuance of Trial* (Doc # 74). The Court has weighed the representations made in the Defendant's motion and finds granting a continuance to resolve these issues outweighs the public and defendant's interest in a speedy trial pursuant to 18 U.S.C. §3161, specifically:

In an earlier order, Doc. No. 68, the Court gave defendant until April 11, 2011 to complete her assessment of the United State's case against her. In light of that assessment, Defendant Vigil has chosen not to proceed to trial, but will seek to have this case scheduled for a change of plea hearing before Magistrate Judge Garcia, which has been scheduled for May 9, 2011.

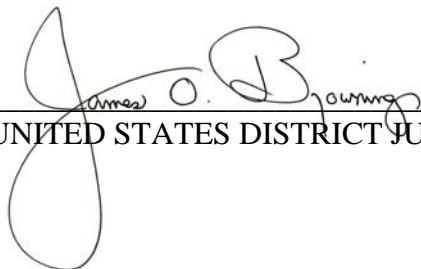
Conducting a trial in the face of these facts would be contrary to the interests of justice. *Zedner v. United States*, 126 S. Ct. 1976 (2006).

Under the case of *United States v. Toombs*, 574 F.3d 1262 (10th Cir. 2009), the Court finds that factors 18 U.S.C. § 316199(h)(7)(B)(I), (ii) and (iv) each apply and provide sufficient basis for finding that the ends of justice served by granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial. Additional grounds for these findings are contained in the unopposed motion filed by the defendant and need not be repeated in this order. *United States*

v. Occhipinti, 998 F.2d 791, 797 (10th Cir. 1993).

IT IS THEREFORE ORDERED that the April 11, 2011 trial date is vacated in order to allow Defendant Vigil to attend her change of plea hearing on May 9, 2011.

After weighing the best interests of the public and of the Defendant with the ends of justice, the Court finds that granting the continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendant for the reasons stated in Defendant Vigil's motion requesting a continuance, filed April 11, 2011 (Doc. 74). See U.S.C. § 3161 (h)(7). Specifically, the Defendant Vigil's need to plea guilty outweighs her, the other Defendants', and the public's interests in a speedy trial. The Court believes that a continuance of 29 days will be sufficient to allow her to plea and the other parties to get ready for trial with the new landscape, and the Court will set this trial to begin May 10, 2011, after the May 9th plea. The Court believes the extension will be sufficient, without being greater than necessary, to accomplish the tasks listed in Vigil's motion.


UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

/s/ Marc Lowry
Marc Lowry
Attorney for Defendant Gloria Vigil

Approved by e-mail on 4/11/11
John Anderson, AUSA
Attorney for the United States

Approved by e-mail on 4/11/11
James C. Loonam
Attorney for Ashley Grey

Approved by e-mail on 4/11/11
Donavon A. Roberts
Attorney for Angelica Ortega